

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TAURUS ANTONIO WIGGINS,
Plaintiff

Plaintiff

V.

CITY OF BALTIMORE
and TIMOTHY J. STACH,
Defendants

Defendants

Civil Action No. AMD-05-2338

MEMORANDUM

This action was filed on August 24, 2005. Plaintiff alleges he was subjected to an illegal search, false arrest and false imprisonment. Paper No. 1. Because he appears to be indigent, plaintiff's motion to proceed in forma pauperis will be granted. Paper No. 2.

The complaint alleges that the illegal search and subsequent arrest took place on February 6, 2002. Paper No. 1. It is unclear, however, whether plaintiff was subsequently convicted of a criminal offense in consequence of the conduct alleged and, if so, whether the legality of the search was determined as a part of the criminal prosecution. *See Heck v. Humphrey*, 512 U. S. 477 (1994)(holding that claims challenging the legality of a conviction are not cognizable in a 42 U.S.C. § 1983 action unless and until the conviction is reversed, expunged, invalidated, or otherwise upset). Plaintiff will be granted 20 days in which to file a supplement to his complaint regarding the status of any criminal charges or convictions stemming arising out of his allegedly illegal arrest.

A separate order follows.

Filed: September 6, 2005

/s/
 Andre M. Davis
 United States District Judge